

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1289

CARLOS P. HALE,

Plaintiff - Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Big Stone Gap. Glen E. Conrad, Magistrate Judge. (CA-96-193)

Submitted: August 13, 1998

Decided: August 31, 1998

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Carlos P. Hale, Appellant Pro Se. Robert Drum, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania; John Francis Corcoran, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Carlos P. Hale pursued a claim for a period of disability and disability insurance benefits under the Social Security Act, alleging that he was disabled due to back pain and mental health problems. An administrative law judge (ALJ) denied benefits, reasoning that Hale was not disabled because his medical problems did not prevent him from performing several specific work roles involving light work activity. The Appeals Council adopted the ALJ's decision, and the magistrate judge affirmed, finding that the ALJ's decision was legally correct and supported by substantial evidence.* See Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996) ("Under the Social Security Act, [federal courts] must uphold the factual findings of the Secretary if they are supported by substantial evidence and were reached through application of the correct legal standard.").

Hale now appeals, asserting that the ALJ erred in concluding that he was not totally disabled due to his back pain and depression. Having carefully considered the record, we conclude that the magistrate judge was correct and affirm on his reasoning. See Hale v. Apfel, Commissioner, No. CA-96-193 (W.D. Va. Jan. 30, 1998). We dispense with oral argument because the facts and legal contentions

* The parties consented to the jurisdiction of the magistrate judge under 28 U.S.C. § 636(c) (1994).

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED